

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MSE DISTRIBUTING, INC., AUTOL ADY,  
INC., and JOHN SULLIVAN d/b/a GMF  
ENTERPRISES, INC.,

Plaintiffs,

v.

SOUTHWEST REINSURE, INC., and  
SOUTHWEST RE, INC.

Defendants.

Case No: 10-cv-00880-RLP-WDS

**DEFENDANTS' MOTION TO STAY CONSIDERATION OF PLAINTIFFS' MOTION  
TO CONFIRM ARBITRATION AWARD**

**COMES NOW** Southwest Re, Inc. and Southwest Reinsure, Inc. (collectively referred to at times as "SWRe") by and through its undersigned counsel, SAUCEDO LAW FIRM, P.C. (Christopher T. Saucedo), CROWLEY & GRIBBLE, P.C. (Clayton E. Crowley) and MENDEL BLUMENFELD, LLP, (David J. Abell), and move to stay consideration of Plaintiffs' Motion to Confirm Arbitration Award pending this Court's final determination of Southwest Re, Inc. and Southwest Reinsure, Inc.'s Amended Complaint for Malicious Abuse of Process and Declaratory Judgment (dkt. 7 Case No. 1:10-CV-00935-MCA-LFG) (hereinafter referred to as "Amended Complaint"). In support SWRe states as follows:

1. The subject matter of the claims made in Plaintiffs' Motion to Confirm Arbitration Award (dkt. 1 Case No. 1:10-CV-00880-RLP-WDS) and the Amended Complaint involve common issues, except that the Amended Complaint encompasses the entire controversy between SWRe and Plaintiffs;

2. The Court's findings on the Amended Complaint will have a material effect on the Court's disposition of Plaintiffs' Motion to Confirm Arbitration Award;
3. A stay of consideration of Plaintiffs' Motion to Confirm Arbitration Award will promote judicial convenience and avoid the potential for conflicting orders;
4. A stay of consideration of Plaintiffs' Motion to Confirm Arbitration Award will not cause damage to any of the parties;
5. Moving forward with consideration of Plaintiffs' Motion to Confirm Arbitration Award prior to this Court's findings on the Amended Complaint will be a waste of judicial resources; and
6. Staying consideration of Plaintiffs' Motion to Confirm Arbitration Award pending this Court's findings on the Amended Complaint will simplify the issues before the Court in the Motion to Confirm.

**WHEREFORE**, SWRe seeks to stay the consideration of Plaintiffs' Motion to Confirm Arbitration Award pending this Court's final determination of Southwest Re, Inc. and Southwest Reinsure, Inc.'s Amended Complaint for Malicious Abuse of Process and Declaratory Judgment.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of November 2010, I filed the foregoing pleading electronically through CM/ECF system which caused the following parties or counsel to be served by electronic means as more fully reflected on the notice of electronic filing:

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